

# The Twofold Spiral of Pre-emption Reflections on the Rationality of Anticipation\*

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## Resumo

O texto apresenta três aproximações à estratégia no capítulo da preempção. Estas três aproximações representam os níveis principais numa “guerra de ideias”, quando se trata de estrategicamente expor ideias sobre a estratégia. Neste texto, o autor afirma, no caminho para a sua conclusão, as visões diametralmente opostas de Sun Tzu e Clausewitz, ainda que as suas visões converjam como fontes do pensamento estratégico moderno e da ciência da administração. Ainda que ambos narrem sobre o mesmo tema, a guerra, Clausewitz enfatiza a componente política, Sun Tzu a militar.

A Preempção é levada aqui em conta como um facto da vida, histórica e sociologicamente educado. O texto não apresenta a preempção como o meio de “direito à intervenção”, mas sim como um instrumento racional para realizar o consenso entre os intérpretes racionais.

As chamadas aproximações pessimistas e optimistas referidas neste texto são consideradas “altos e baixos”, que na nossa opinião descrevem o estado de espírito necessário para uma aproximação “pragmática” à Preempção.

## Abstract

*The paper addresses three approaches to strategy, in the chapter of Pre-emption. These three approaches represent the fundamental stances in a “war of ideas”, when it comes to strategically exposing ideas on strategy.*

*The paper affirms, on its way to the conclusion, the diametrically opposed visions of Sun Tzu and Clausewitz, despite the fact that their views are seen to converge as sources of modern strategic thinking and the science of management. Despite the fact that they narrate the same thing, war, Clausewitz recites on Politics, Sun Tzu on soldiering.*

*Pre-emption is taken here as a fact of life, historically and sociologically nurtured. The paper does not address pre-emption as the means of a “right of intervention” but as a rational device for fulfilling of a consensus among rational interpreters.*

*The so-called pessimistic and optimistic approaches referred to in this paper are taken as the “ups and downs” or the coming and going that, in our view, describe the state of mind required for a “pragmatic” approach to Pre-emption.*

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\* The views expressed in this paper are those of the author and cannot be attributed to the NATO Defense College or to the North Atlantic Treaty Organisation.

## Introduction

This paper aims to underline the misunderstandings generated by the “novel” concept of pre-emption in international relations and how this misunderstanding affects public perception that the public may have of both Legitimacy and Lawfulness.

This paper will contend that, like preventive self-defense, pre-emption, has never been proscribed in the law of war (meaning that the means the *jus in bello* and the *jus ad bellum*, the law within war and the right to resort to war, taken together) even when perceived occasionally, as void of any practical sense, due to some “ruling of exceptionality”.

Nothing can exist in law that has not first existed in Nature. Since human nature is the matter under discussion, historical profiling should first be considered.

Pre-emption is one of those inherently vague concepts, which can easily extravagate from tactics to strategy. Recently, it has even become an item of Grand Strategy, by the same process that some managed to cage a healthy degree of prophetic pragmatism in a self-fulfilling prophecy. As this paper will indicate in due course, it is not purely because a concept is pragmatically operative, that it bears fruit in the season of principles.

Since speaking *about* a subject has never been the same thing as speaking *as* the subject (uttering one or more of the statements which express the subject in the mind), we cannot discard some reflections merely by evoking the *sensitivity* of the matter.

As Goedel highlighted, because a subject is inherently vague, it doesn't mean that the way to speak about it should also be vague. His assertion is still valid. All things considered, Goedel destroyed the certainty that mathematics and logic originate from the same source (as Russell and Whitehead believed), thereby making any future claim to a definite formalization<sup>1</sup> of any language<sup>2</sup>, seem “very strange”. An analogy for what has been said, could be: instead of kicking the ball in any direction since the important thing is to keep it rolling, let's only define a ball game even if we don't live up to play it.

This paper attempts to compare the messages of three relevant strategic thinkers, the classical one, Sun Tzu, the modern one, Clausewitz and one emerging from the tectonics of Actuality, Condoleezza Rice.

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1 Vd. Inter alt. “Goedel, Escher, Bach: an eternal Golden Braid”, by Douglas Hofstadter, Chap.II,III, IX, Vintage Books, N. Y. 1979.

2 This would set the basis for an universal ruler of any way of making sense.

All of them, although attuned to the heart-beat of history, surfing on different waves of pessimism, optimism and prophetism, use the same variables and have to maintain the same principles whether there be a set of “fundamental principles” or not. We will use their principles to judge them.

Obviously, this is not Logic, although that does not mean that it is illogical. This is Critique. We do not pursue a Code, neither at the beginning nor at the end. We follow the flow keeping our eyes open, in honor of lucidity.

### *Caveat*

I understand the exasperation of those who can no longer stand that any debate, with some degree of relevance in decision-making, should always refer back to Law. Law, especially international law, is influenced by change, in such a degree, that it needs the identification of its “matters of contention”, the updating of its players, both at the infra and the supra-state level. Besides, law has been built for the last three centuries, within the walls of conventionality, and, sometimes, Master Manole’s wife is knocking from the inside<sup>3</sup>, that means that we build it up, with somebody alive, inside. Finally, international law is a game of recognition – whoever wins is recognized as a player and playing again, that’s his prize.

The same applies to morality, which not only leaves the limits of its empire unattended, for example, against the incursions of morals, but also crashes into the walls of the Ethics’ city-states, that stay there in the landscape, coalescing into deontology or political correctness. The same applies to Reason whose universalistic empire collapsed like the I.Q. tests in the sixties, washing away a general prejudice on the existence of different types of intelligence.

One could even go as far as to accept those who reject logic as a mandatory referential for any type of rational discourse. Logic is now becoming fuzzy. Further, there are some authors, such as Meyer, who postulate that rational discourse should refer to rhetoric, as opposed to an axiomatic-theorematic code and others, such as Rorty, who suggest Hermeneutics<sup>4</sup>.

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3 This refers to one of the founding legends of Romania, mentioned by so many, like Mircea Eliade.

4 Vd. ‘Les Rhétoriques de la Modernité’ by M.M. Carrilho, Quadriège - PUF, Paris,1999, especially the Avant-propos.

Our debate is thus intended to reduce this war of rhetoric to reasonableness. The ideas outlined in the paper, reformulate the question and do not offer a solution. They just aspire to speak clearly *about* a subject, giving up any attempt to speak clearly *as* the Subject (that's true: if the Subject is there to define the field of our discourse, the Subject, in a way, *speaks out*).

### Master Sun (Sun Tzu) - the classical euphoria of an optimist

First and foremost, we have to underline the far-fetchedness with which Sun Tzu's Art of War is frequently understood. We could better say that *bing fa* (the second half of the original title of his master-piece) stands for the art of using armed forces, or the art of soldiering. There is another word in mandarin Chinese for War, *zhanzheng*, which, due to the pictographic origin of the language, means something quite diverse, a generalized quarrel involving combat in the open field. Sun Tzu uses this expression, immediately below (or on its side, to be consistent with Chinese classical calligraphy), and plentifully, from the second chapter onwards.

Preemption has always been acceptable in the Art of soldiering, although Master Sun would include it in a general science of nature and surely within the soldier's *Tao*<sup>5</sup>.

For Sun-Tzu, the war was such a serious matter of state than even a Taoist (who prefers the usefulness of the void to a mere advantage)<sup>6</sup> should write about it, spend time articulating various ways of mastering the intuitions that surround the concept. According to the legend, he goes so far as making a courtier game into a bloody demonstration of seriousness and, therefore, breaks his golden, proverbially wise, silence.

For him, the gravity of the matter<sup>7</sup> and the sudden emergence of the enormous advantage in waging war in a period, which is not by chance, referred to as *Warring States*, (480 B.C. - 222 B.C.), required a careful consideration of all the "discontinuities" that war allowed to surface during its emergence, ways and results.

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5 Let's use it *Tao* as such, not getting stuck in translation debates and be content with Fung Yu-Lan's approach as "basic principles". This will be a satisfactory operative definition, in *A short History of Chinese Philosophy*, Simon & Schuster, N.Y. (1976), p.8.

6 In the second paragraph of his "Sun zi bing fa" (Sun Tzu's art of soldiering), he states that the first factor of war is *dao*, the "way". In "Sun zi: the art of War" p. 5, People's China Publishing House, 1995 Beijing.

7 *Guo zhi dà shì*, affair of great importance for the nation, a matter of living and dying - *si sheng zhen di*.

Starting with the priority of mastering both figure and ground, both in the internal ordinance of the mind, and in the external management of affairs, he cautiously drew the conclusion that the best way of waging a war was to take the enemy's state whole and intact or, alternatively, to break the enemy's resistance without fighting. War, as such, is void of any warring activity *stricto sensu*.

In a way, the best tool for taking advantage of this serious State's affair that war stood for, is to leave it for another day, by means of not letting any war-minded activity diverge from the inherent harmony of *Tao* and its conscious contemplator, who voids his mind of the phantasmagoria displayed afore. As the Tao Te King states, the wise does not know the Tao. He, who knows the Tao, is not wise or, even better % according to an old Chinese saying % one doesn't need to be warlike (existentially wise in war), in order to speak wisely about war. We are in the realm of Principles. We are not in the arena.

But void does not mean emptiness. Emptiness can be administered, in accordance with a string of events which existed prior to the presence of our mind to the world and which will continue to exist long after the world ceases being present to our mind<sup>8</sup>. Emptiness signifies the presence or absence of something such as the two possible perceptions of the half full or half empty bottle. On the other hand, void is linked to the nature of things, as opposed to its metrics. Emptiness itself (*kong*) is a Buddhist concept, a general relativism in a school of thought that came much later to China and which nestled upon something already existent.

And how should void be used in war? Not just in avoiding war, as a modern pacifist would proclaim (Sun-Tzu was no pacifist in an epoch justly referred to as the *warring States* - 480 B.C. - 222 B.C.) but using it. Avoiding war would mean discarding an important State affair and, therefore, the State itself. The sense of using War - contrariwise to being used by War - can be understood only by those concerned with sustainable livelihoods ("...those skilled in war move the enemy rather than being moved by him", Chap. 6, 1<sup>st</sup> paragraph). War, the "serious matter", doesn't obsess them, doesn't take control of their minds and bodies, because, before they know, they *are*. Those who learn from Sun Tzu could be referred to as wise men, but their wisdom would always account for less than *Enlightenment*.

So, how can void be used, in war? It is not yet nuclear fission, but the sudden realization, the sudden soft flash in the mind that war, as a concept, is void of an ultimate

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<sup>8</sup> This works as a definite difference with the Néant of the existentialists or the Nichtige of Hegel.

sense – the cautious use of this truth of reason would remind us that the State was even more serious than the seriousness of its different businesses. As the light behind different Chinese shadows, as the eye behind diverse glimpses, everybody could speak about it without really being specific. This feeling of absorbing and rampant seriousness, this reality that everyone could feel but not touch or capture in a concept, this was the *Dao* (henceforth written as it sounds: *tao*).

For Sun-Tzu, as all the rest of the Taoists, use of void would promote the transience of anything, just anything (“None of the five elements of Nature is ever predominant”, Chap. VI, last Para.), and a never-ending transience; that means not emptying any concept of its content as the cynical philosophers in Greece would later do, but *pre-empt* the concept and so, disarm the conceptualization.

*Bing fa*, the art of soldiering, was much more and stands above the art of warring. Those skilled in war command the moves; the fortunate moves do not command the warriors. How do you get such a skill? Just *being*. Those who are skilled become teachers and glow wise in the obscurity; their state of *being* becomes a serious matter of other larger and more stable *being*, the State...

### Some Taoist<sup>9</sup> lucubrations...

If the State seeks to be more important than the *tao*, if war becomes more important than the State, if attacks, glory, drama, the interests, the rank and file rushes attempt to be more important than war, then one should abandon oneself to one more frivolity. The attracting magnet of seriousness is not a frivolity, so one should use only an element of war, in order to pass intact through the density of this fatality that war stands for.

So, the void is used before it comes to be and is not exhausted. How can a part of nothing be used? How can half of zero be used in an arithmetical operation? It is used simply by giving to it the frail existence of a self-denying negation. Should it be the negation of a negation, certainly something would come out of that (*minus plus minus facet plus*).

If one denies in advance the mental device posed to deny something else, the negation does not come to exist and even the act of negation, that was keeping our mind busy for

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<sup>9</sup> I refer here to Taoism as Tao chia (the Taoist philosophical school) and not the Tao chiao (the Taoist religion) that leads probably to opposite consequences of the latter's. See, inter al. Fung Yu-Lan in 'A short History of Chinese Philosophy', the whole Chap. 1, 6 and 10, Simon & Schuster, N.Y. 1976.

a moment, doesn't live long enough to scan up the stuff it was supposed to delete. Therefore, within the certainty that one has to figure out something before annihilating it, all that comes to pass in Sun Tzu's Taoist indoctrination is just a mere illusion, the emergence in your mind of something else, something perpetually ungraspable but perpetually compelling, the *tao* <sup>10</sup>.

(At this juncture, the reader could think that my intention is to deceive or confuse him by means of resorting to a strange, chinese vocable, as constantly referring to it all the time, therefore blocking fluidity in the channels of understanding. *Tao* would malevolously be just anything put there in order to keep the readers' insight alight, yet at bay, and allow me to proceed, entirely free to draw the conclusions I'd choose, because one of my key-words remained susceptible of being filled by any content, at my convenience. It is important to underline, here, that it is not the case. All things accounted for, one thing can be taken as certain: *tao* can be many things, but it's surely something other than my own mind's self-defeating postulations. If I evoke Tao, I may have some *transitory* difficulties in finding a working definition for it but that doesn't eliminate room for argument. Instead of Tao, I could call it MU, as in a famous Zen monk's response that is deemed to *unask* the question<sup>11</sup>. In the end, instead of a Glossary, I don't have more than an Imagery to keep a rational audience attentive, since my very *definiendum* is only expressible in terms of my own *definiens*. I could exemplify by saying that Sun Tzu teaches how to peel out the different layers of an onion till we get to the central Void. What counts is the way the layers are disposed. The Void, in the end, is not the *Tao*; it is just the other side of the frame...<sup>12</sup>).

If so, let's clean up the wall around the frame. Sun Tzu doesn't provide a manual *on* war. He provides a manual *about* war from the perspective of the soldier's Art. In order to read him correctly, one has to weigh his premises: the seriousness of State,

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10 Dao, the first factor among the factors of a sound Art of soldiering, stands not for a Moral cause as it has often been translated by the confucionists, both in Beijing and Taipei. Dao zhe jin mian ma shang tong yi ye. Gu ke yi xie zhi shi, ke yi xie zhi sheng, er bu ying wei. (Chap. 1, 2nd. Parag.) means: "Dao stands for: now people follow the rulers with the same voice. This way, they follow them, even though it may result in dying or surviving, even in front of great danger". So, this Tao is just a factor and comes to be more as a happy coincidence, a simultaneity than any moral value.

11 Vd. Paul Reps and Nyogen Senzaki 's "Zen flesh, Zen bones", Pub. House Shambala, London Boston, 1994.

12 There are many translations of the fundamental Taoism text, the Tao te King. I would just exclude the early XX Century's one from the perverse Alistair Crowley. And I would emphasize the translation of Lin Yutang, inter al. In any case they are all worthy, taking into account that both Chapters 1 and 81 (the last) are quite univocal, both in the diverse translations and in original version regarding the conceptualization of Tao (analogous to Heidegger's concept of Sein).

the preeminence of *Tao*, the preeminence of Knowledge and the mastering of Time, therefore, the anticipation. Pre-emption is just one means of anticipation and anticipation stands for the excellence of *bing fa*, the art of soldiering:

“...victory can be anticipated but not forced” (Chap. 4, 1<sup>st</sup> paragraph).

For Sun Tzu, the entire Knowledge of the enemy and of ourselves, the capability of anticipating and his confidence in prognostics, all reveal the same thing: one always has to frame a concept against the scenario in which it takes place, one has to master the void that surrounds everything, because being, is also a way of non being as well. This is not craftiness, despite the way it sounds. It is only more focus, more accuracy.

Preemption is a part of *qi* and of *zheng* (it can be a surprise or regular warfare), can be overt or secret (*mimide*) but it is there, available, it can and should be used. The feeling of void that this duality may suggest should be mastered and, thereby, *follow* Nature and making the *Tao* perceived.

Preemption is one in a set of manageable voids, the result of mastering the soldiering Art. All of this stands for the understanding of the seriousness of life and death, of fortune and misfortune, victory and defeat, State affairs... in a word, the *Tao*.

No matter how much one cherishes Sun Tzu as the wizard, the *shaman* of an autonomous knowledge, the primordial, articulate version of a wisdom generated by a profession older than time, still he belongs to a more primeval worry than that of the soldier's. After all, in the beginning, the soldier was not a soldier...

In the best of all possible worlds, this would mean that there is a possibility or an exploitable stock of probabilities that war, as in the Briand-Kellog's Pact of 1928, would be outlawed and disappear. Unfortunately, for Sun-Tzu, there was not such concept of world, as an all-concerning unity. This is a stoic idea, which developed much later, in another civilization. For Sun-Tzu, there were things, in contrasting and recombining aspects and a string connecting all of them. All that was expected from a wise man was to have the perception of this string that had its imprint everywhere, and try to hold it.

If war is serious State business, one is not only allowed to preempt it but has to carry on this pre-emption as an anticipation of dealing with one serious business of State. Nevertheless, there is much more serious State business. If one cannot do it or, being able, doesn't abide by the moral rule of avoiding it, the least one can do is to preempt its continuation, further down the stream of events. In a formula: the avoidance of war doesn't stay only at the end of war, it looms before it has even begun. Let's remark here

this important step of Taoist thinking: the concept doesn't look for being fulfilled into practice but it evokes the spiritual whole, from where it descends...

The war, for Sun-Tzu, is the continuation of a continuation, by means of various factors displayed in the mind. So, one has to study these carefully, one has to begin by calculating these factors which have combined themselves within the human mind since ever or, at least, since the first Chinese cosmogony, the *I Ching* (the Book of Changes) founded an autonomous Chinese wisdom. You have a lemon, make lemonade. But War is not represented by lemonade. It is serious State affairs, which broke the silence and required a time to speak.

Finally: why did Sun Tzu kill the concubines after being given the right of life-and-death on their amused flock, during a palace elegant game? One might say that this happened because of his political or scientific agenda, one may say that concubines were no more than slaves and treated that way, during those times, their lives dangled on a thin thread between life and death; others would even say that he was the messiah of Warfare/Human Survival and that was one of those decisive *moments* in History. May be Sun Tzu was addicted to gambling as the Chinese stereotype portrays, in our times. But nothing of this remains plausible in a Civilization, which cared so much for reward and punishment after death and which so greatly respected life even in its most fantastic or unexpected manifestations, be they biological or fantastic.

Sun-Tzu did it because there are things and they organize themselves, carrying us within. The Emperor lost his appetite and didn't want to see his concubines killed in a palace game's move. But the void was already there. As the legend says: Sun Tzu told the Emperor that *he was already out in the field*, after receiving his orders and the Emperor couldn't reach him ("There are... commands of the Sovereign, he" - the Commander - "should not obey", Chap. 8, 4<sup>th</sup> Para, *in fine*). Was Sun Tzu mad, ready to bid for the Emperor's fury? We don't know the details. Maybe he decided to put his life on the line, furious for being mocked by the concubines, maybe a weak Emperor, whilst in search of a reliable general, caught the opportunity to hire him before a rival, in the confining war-prone States, could take the opportunity.

The absorbing Void was already present, the Void which empties a game and makes it a simulation of Reality as Reality, with the same combination of factors, is a simulation of a game, in a civilization that was founded on a texture of perceptions and not a set of Ideas. The *tao* is the acceptable and wishful order in that chaos, the feathered dragon, like the missing link between dinosaurs and birds, a twofold spiral line, seen in alternation from the two different sides of a mind that was born at the

rhythm of a pulsing breath, a Mind that was trained in condensing its features in two opposite states. Tao stands as Simultaneity, the perception of a *form*, obviously shaped in that very same form's stuff.

Although it could sound very much dignifying to have a long-bearded exotic classic arguing on our side, this Chinese reasoning is unsatisfactory for a civilization founded upon the once-in-a-Eternity trial of the Soul (even for agnostics).

### Master Carl von Clausewitz - the modern blues of a pessimist

Clausewitz emphasized the Primacy of Politics<sup>13</sup>, in War and the ontological dependency of the latter upon the former. This tempts us to disregard anything groundbreaking in his thought and simply to remit it to Political Science (to be discussed in due course). He was certainly an expert in War, as historical, political and sociological phenomena in the wake and middle of the 19<sup>th</sup> Century. He was a warrior and a person with a warlike spirit<sup>14</sup> and he portrayed his subject very fashionably for his times, that means: as a duel<sup>15</sup>. Fortunately, we know him by other more or less dispersed products of his workshop, such as the "wunderliche Dreifaltigkeit", the remarkable Trinity, the content of which has been considerably debated<sup>16</sup>. It is "a" concept that is discussed for the first time at the end of the first chapter of *Vom Kriege's* first book, precisely where Clausewitz alludes to the results of his, postulated theoretical program, in the very beginning. That is, despite its inductive character ("..also vom Einfachen zum Zusammengesetzten fortzuschreiten."), a prescription in method, both at specific and general levels. But what is this "Trinity" all about? "Hate and enmity", "the game of probabilities and chance" and, finally, the "subordination to Politics". But it could be

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13 "Diese Einheit" the unity for which Clausewitz is searching, and which not even the philosophers can get, among the contradictory elements of what comes from the wisdom of war and the interests of States and individuals, is nothing more than the concept "dass der Krieg nur ein Teil des politischen Verkehrs sei, also durchaus nicht Selbstaendiges", in 'Vom Kriege', P. 674, of C. von Clausewitz, Ullstein, (3te Aufl.), Frankfurt/M, 1994.

14 There is a letter, addressed to his wife, explaining how he felt, in the perspective of going to the battlefield and his sentence that "Wir moegen nichts hoeren von Feldherren, die ohne Menschenblut siegen" (We don't like to hear from Commanders that win without bloodshed), *Vom Kriege*, p. 243.

15 Ibidem. P. 681 " ..der Krieg ist ein Instrument der Politik; er muss notwendig ihren Charakter tragen, er muss mit ihren Masse messen; die fuehrung des Krieges in seinem Hauptmrisen ist daher die Politik selbst, welche die Feder mit Degen vertauscht, aber darum nicht aufgehoeht hat, nach ihren Gesetzen zu denken."

16 See, f.i. "Reclaiming the Clausewitzian Trinity", by C. Bassford and E.J. Villacres, in *Parameters*, Autumn, 95 or [www.clausewitz.com](http://www.clausewitz.com).

“Army, Government and People”, or it could be “Instinct, Reason and Sense” or even “Weight, Load and Opposition....” If there is a “remarkable Trinity” it remains a beat, a pacemaker, a rhetorical topic, maybe so similar to dialectics as it is to fuzzy logic.

Some dualities (or polarities) such as “War and Politics”, “Means” and “Aims”, “Theorie” and “Praxis”... like “Strategy and Tactics”, such as “Concept and Contemplation”, “Wissen” and “Können”, “Knowledge” (*Wissenschaft*) and “Art” (*Kunst*), Possibilities and Probabilities, Fortune and Misfortune, etc.

The three reciprocal interactions (*Wechselwirkungen*) outlined in the third, fourth and fifth points of the very first chapter. In a formula: they express three degrees of escalation in bipolar, social phenomena in which one “pole” wishes to dictate its law to the other.

The “centre of gravity” (*Schwerpunkt*) used for the first time in the fifth Book, fourth chapter, is later repeated, several times, in the 27<sup>th</sup> chapter of the sixth book, where the convergent uses the author makes of it, are collectively named *Centra gravitatis*. He confesses that he has borrowed the expression from Mechanics<sup>17</sup>.

Friction (*Friktion*), first used in the seventh chapter of the first book, connected with the unpredictability of War and modern theorizations in terms of non-linearity and the Theory of Chaos<sup>18</sup>. In fact, this intuition comes from his master, the Hannoverian General Scharnhorst, and not from himself, Clausewitz.

Of course, one could find many more concepts in Von Clausewitz’s masterpiece but as he says % our primary objective is to extract the reality that unified it % “the probabilities of real life come instead of the extremes and absolutism of Concepts”<sup>19</sup>. Unfortunately, there is no concept such as *pre-emption*, among the enumerations he abundantly casts.

As noticed in footnote 11, Clausewitz takes the opportunity for criticize those who celebrate the Commanders that boast of defeating the enemy without bloodshed, because he commits himself to making War recover its dignity (“...die Kriege mehr zu wuerdigen.”) and, thereby, downgrading the coarse “sword man, that one leads to be more and more humanely dull, till the day he turns back on us and rips off our very own limbs”<sup>20</sup>.

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17 Ibid. p.531.

18 Vd. inter al. “Clausewitzian Friction and Future War”, Barry D. Watts, National Defense University, 1996, revised 2000) [www.clausewitz.com](http://www.clausewitz.com).

19 Ibid., first part, first chapter, point 10 (tittle).

20 Ibid., p. 243.

Clausewitz begins his unfinished masterpiece *Vom Kriege*, by postulating a method, in which 19<sup>th</sup> Century rationalism<sup>21</sup> has its place, but in which a new concept of science looms, encompassing Psychology and Sociology (he often refers to “Geistkraefte” – spiritual forces – and to “Charakter”).

He is an author positioned in a transition period between a rationalist and illuminist tradition, the one heralded by Napoleon to Europe, at bayonet’s point, and the other romantic one that inspired the national upheavals against French invaders and possibly the very emergence of nation-states in modern Europe. He establishes a whole rhetoric taken out from positive sciences, like Mechanics and Dynamics, and goes as far as the “fog” of human intentions, spiritual and character energies, chance and the gigantic trends of History. In fact, he concludes by making use of one of his most favorite nouns, borrowed from his contemporaneous Physics, the famous *Schwerpunkt*, to describe and advise on what he believed to be the roles of his native Prussia and his respected Austria. As a matter of fact, he standardized the language from the first to the second edition of *Vom Kriege*. In the first Edition, Austria and Prussia were the *Schwingerpunkte* in the (then ideal) German *Reich*. They were, the center of equilibrium, in 1832, and they ended up by being, in Clausewitz’s mind, the *center of gravity*, in 1853. As the *center of gravity* may be external to the body (contrariwise to a point of equilibrium) this change may reveal that Clausewitz had not only enlarged his vision of the subject “War” in terms of widening its context, but also settled a doctrine with its own glossary.

Coming back to *Vom Kriege*, for over 1000 pages, he kept tracks of *data* (the certain and the uncertain) he had personally accumulated throughout his career and inserted his intuitions on the Nature of War, therein.

Experts debate over his inspiration, whether it was an axiomatic-deductive one or something more like the Intuitions that underpin modern theories of non-linearity in Mathematics<sup>22</sup>. Probably he borrowed from both. It is not clear which was his main intellectual influence. He quotes neither Kant, nor Hegel, neither Schopenhauer nor Nietzsche despite the facts that one of his masters was apparently keen on Kant<sup>23</sup>. Neither

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21 Vd. *Vom Kriege*, third chapter of the first book, devoted to the “military genius”, in which he quotes Napoleon’s “richtig” comparison of field decision-making and mathematical calculus.

22 See Barry D. Watts, *ibid.* Chapter 11, footnote 10 and Martin Van Creveld in “The transformation of War”, p.245.

23 Vd. Antonio Cavalla’s Epistemología de Kant en Clausewitz in [www.monografias.com/trabajos5/epikan/epikan.shtml](http://www.monografias.com/trabajos5/epikan/epikan.shtml) and Peter Pareit’s Clausewitz and the State: The Man, His Theories, and His Times, Princeton University Press, 1976, pp. 71 and 74-75.

Kant with his liberal public positions and pietist moral intimacy, nor Hegel, desp his position of “the” official German philosopher notwithstanding, could have seduced a keen reader of Science, with a typical, non-exuberating Prussian education, such as that of Clausewitz.

The Prussian tradition prescribed modernization in a pragmatic way, and this project had been once led by a strong reform-minded and iron-fisted Prince, who gave no room for philosophical divagations, exception taken for the “happy few” in Sansoucci. What one can see in Clausewitz’s way, it’s already the influence of Positivism, the recognition of a superior rationalistic tradition that spilled out from France. One can also see the contribution of a complex set of sociological facts, responsible for concepts such as “fog” or “friction” as well as “Courage”, “Spiritual strengths”, “Military genius” or “Character”. Positivism makes material and immaterial facts sound Science-compatible, when displayed all together.

Clausewitz was certainly influenced by the positivistic tradition due to emerge soon in German Sociology. When this latter culminated in Max Weber it was much more than the abstract logicism foundations that fructified in Hegel’s doctrine. Clausewitz clearly adheres to the positivistic program, when he commits himself to “...eine positive Lehre aufzustellen” and expresses his hopes to “engage principles, rules or barely systems for the conduction of War (...) as a positive target”<sup>24</sup>. What else could influence Clausewitz as he makes his wisdom kneel to Politics, a concept that he doesn’t discuss, that he accepts as technically pervading all levels of War? Was it not positivism to which Wittgenstein evoked, when, many years later but at the time of the first fatal Catastrophe of the *Reich*, he said that “the world is the set of facts and not the set of things”<sup>25</sup>?

Clausewitz states very clearly that he was following his program and accomplishing it if “in what concerns the Necessary and Generality, we wanted to make it evident, so as we’ve left its..” - (the General and Necessity’s) - “own playground to the Individual and Fortuitous.(...) regarding the arbitrary, the unfounded, the random or fantastic or even sophistical, that, we wanted to cast away”<sup>26</sup>.

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24 Ibid. p. 92.

25 Vd.the point 1.1 (the second sentence) of Ludwig Wittgenstein’s *Tractatus Logico-Philosophicus*, Routledge and Kegan, Cambridge, 1961.

26 Ibid., p.712.

27 He has taken some study in Fine Arts, vd. James King, “Clausewitz, master theorist of War”, *Naval War College Review*, 30 (Fall 77): 9, p. 5.

It seems that it was Art that seduced the individual, biographical Clausewitz, who was in search of a hobby when he compiled his notes<sup>27</sup>. Many of his “trinitarian”, enumerations and his general style, evoke trends in Romantic Music, far more than those ones in Philosophy. Probably, he simply ignored German Philosophy that left Metaphysics, and a reasonable justification for old beliefs, in stand-by (Kant) and had demolished reasonably founded values (Nietzsche). The Characters underpinning certain trends in German Thinking were not even reliable, from the cautious perspective of a Strategist: a desperate Nietzsche, a turncoat Hegel and an eccentric or bulky Kant. On the other hand, he comes from an intellectually elaborated background in Music where the Hanoverian, appollineous Bach and the Austrian dionysian Mozart give way to the thunderous Flemish Beethoven or to the unbearably light Strauss. In music, there is no positivistic transition from 18th Century rationalism to 19<sup>th</sup> Century scientism...all stands for romantic music, be it Beethoven, Berlioz, Bizet, Puccini or Strauss.

### Two poles: Sun Tzu and Clausewitz

What are the main differences between a Taoist, who breaks his silence and a Clausewitz who articulates the sounds of rattling and drumming, into a symphony of mechanics and variables?

The difference is that Master Sun addresses the public, not to get a name written in posterity but to admonish those who have strayed from the Way, although occupying a nodal position between Heaven and Earth. He focus on details and indoctrinates, in order to remind his pupils of the balanced and correct way of proceeding, and to make them return to the old centre of gravity. He claims that this is cast in a regular rhythm, almost symmetrical. He doesn't seek protagonism, nor is he afflicted by doubts and anguishes. He cherishes Nature, sentient beings (being evident that even mountains, stones and lakes are pervaded by spirits) and, most of all, the stability-seeking community he serves. His words are of consequence in the facts of life, not in the facts of language. His doctrine is tuned in such a ritual way as one of the most ancient nine Taoist songs, depicted in the *Ch'u-t'zu* <sup>28</sup>.

On the other hand, Clausewitz, displays strings of categories, sets of experiences and unleashes them as if they were the first chords of an enormous self-expression impulse, and

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28 Vd. Eva Wong's "The Pocket Tao Reader", Pub. Shambala, London, Boston, 99, p. 21, the "song to the Lord of the East".

then composes, orchestrates them, finally deposing the whole symphony, at the feet of Politics.

An intellectual who promised a Theory on war, departing from a Concept such as correct Intuition<sup>29</sup>, the very same notion that rapidly lags behind<sup>30</sup> when the profound constants surface<sup>31</sup>, thereby making Theory insufficient for Reality, he is an intellectual who struggles with the 'large mass of knowing and techniques', longing for the simplification of Knowledge, which perceived the subject of his focus as a detail in a *continuum*, never as an isolated fact but an aspect of human affairs. He's a Pilgrim going somewhere, he's not coming back home to the point that he even uses this imagery - "... der rueste sich (...) mit Kraeften wie zu einer weiter Pilgerfahrt aus"<sup>32</sup>.

One tends to associate Clausewitz with Romanticism, as a mental trend. As a matter of fact, Romanticism followed the bloody rationalism that invented Terror and the quickest way of separating the head from the body. Besides, Romanticism, the one of the mythical "Ernani", or the real Andreas Hofer, in Austria, "El Empecinado", in Spain or "Januszik", in Poland, didn't take long to be fighting against the crowned heads they helped to restore. Clausewitz knew what he wanted. He was commanded by the spirits of War to compose his chant and he just managed to convey the voices he heard, to the main Auditorium of Politics, in which a Phantastic symphony was about to be performed.

### Clausewitz...

As the fallen angel of Politics, to whom Bismarck alludes in a letter to his wife, Johanna von Puttkammer<sup>33</sup>, Clausewitz longed for a Science of facts and yet he only managed to

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29 Ibid. "In jedem Fall wird die hier geschehene Feststellung des Begriffs vom Kriege der erste Lichtstrahl, der fuer uns in den Fundamentalbau der Theorie faellt, der zuerst die grossen Massen sondern und sie uns unterscheiden lassen wird", p. 37.

30 "...weil der Krieg in der Wirklichkeit sich von seinem urspruenglichen Begriff oft sehr weit entfernt", *ibid.* p. 39.

31 "...das Gefecht ist hier nichts als ein Abmesser der Kraeften, hat an sich keinen Wert, sondern nur den des Resultates, d.h. seiner Entscheidung", *ibid.* p. 47. The unpredictability of a Battle (the "only activity in War" -p. 47) is not important by itself. The strengths are measured in this Unit, par excellence, of the warry phenomena, so the result is what counts. Unpredictability is always provisional. Clausewitz doesn't have the cult of "fog", he has the cult of a measurability that it is not graspable yet. He likes "foggy" situations but he surely believes in Calculus.

32 *Ibid.* p. 147.

33 For a profile of what Bismarck understood as Realpolitik, see Henry Kissinger's "Diplomacy", Simon & Schuster, N.Y.94, pp. 126-136.

make the way for the still-to-come Institutions of a warlike Politics, in which leaders and priests would walk in horse-riding boots. He made war trivial, for something new to emerge when the myths of liberalism boiled down: the interest, that piece of individual will, dispersed as share-holding in the Stock of a industrious society. And the style of interest is positivism itself, a non-debatable acceptance of facts as building blocks that carry in them the design of the overall building. As the slogan of the Brazilian Republic, still holding in its flag - "Order and Progress" epitomizes.

After all, if Clausewitz didn't know very well where to his effort was leading him, at least he knew his "Methodismus": "The War, in his highest sense, doesn't hold in *a boundless amount of small events (...)* but on *single ones, great and decisive* that have to be taken individually. It is not a hay field that, by means of a better or worse sense, is mown down, disregarding each event's character". War stands for a set of "big trees, to which the ax is applied, after careful consideration, according with the quality and position of the stem"<sup>34</sup>.

If he, apparently, came out inserting the set of War into a larger set of Politics, it wouldn't be surprising that he left his masterpiece unfinished, precisely at the point where he was beginning to assert in European Geopolitics<sup>35</sup>. Unfortunately, he didn't live long enough to expand on that but, on this, it is possible to base an observatory and have a glimpse of his Methodological assumptions. As positivism accommodated more conservative and progressive ideas within Republic or Constitutional Monarchies, so his Method accommodates facts of War as well as ideas formed in the field of observation. This is the reason why he believed in Character, in Genius and in *coup d'oeil*, this is why he compared the Strategist to the keen woodcutter instead of the tireless harvestman. That's why the *specificities* that were Austria and Prussia were the *centre of gravity* of a *body* not yet surfaced, the German *Reich*. He believed that the still-to-come Reality would be brought about by occult rules and trends. But the fact was that these, although not yet clear, where positivistically discernable rules, such as the Melody that comes out of the rattling of Instruments in Beethoven's *Eroica*. Like many Germans of his time, he was announcing the Sociological positivism of Carl Schmitt...this would be positivism but not positive, due to its restlessness, and handling of too many "foggy" realities in a rather 'flaming' way...

However, Clausewitz doesn't make a *pure Theory* of war, like the later positivists made on other fields. He announces difficulties. He is not a Hamelin's pipe player. He dwarfs himself in front of a sequoia's bush, erecting complexity and difficulty. But he doesn't give

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34 Ibid.p. 118.

35 The reference to the roles both of Austria and Prussia as centre of gravity in the German Reich.

up his instinct of finding a general Theory. And, this time, he finds facts, large stems that he has to shove down. The moment those stems fall down as logs, they become interests. Making them gigantic serves only to entice the Teutonic warrior, who hasn't been brought up in a society based on interests but who was caught in violent times. He got fear in his youth and he devoted all his life to recover courage. That is what *Vom Kriege* is all about.

Clausewitz believes that considerable Knowledge is required to master the "Fog" of War. His seriousness in this quest has the "weight" of Gravity and Gravity lies on the centre of his intuitions, along with the inspiring laws of Mechanics. But he signs up to a positivistic mythology of Science; he exhibits a disenchanting subordination to the monotony of objectivism in posing the Problems. After the first stun, caused by Napoleon's eruption, he is now ready to charge through, holding the spade of Science and the strengths of Spirit, the same Spirit that commanded Hegel, and maybe the same that contracted *on* Faust. His belief in an "occult" Science, within our reach, waiting to be revealed, doesn't make an occultist of him but, tentatively, a modern *Gnostic* or, at least, prone to Gnosticisms. Fortunately, one doesn't have to see, before making assumptions and it is not healthy to be always near a lucidity that slips forth. Why? Because the ideal of finding a "universal scientific key", whenever Knowledge is "foggy", makes Wisdom unviable...

### ... and Sun Tzu.

On the other hand, Sun Tzu is not going in a Pilgrimage, he sits and thinks, he's not riding any horse<sup>36</sup>. He is coming back home, or simply never leaving it, the center where Heaven meets Earth. He admonishes the rulers, in the name of a much more ancient and silent wisdom that, from time to time, tends to be forgotten by humans.

Clausewitz brings to the rulers a gift carefully crafted for years an end, carrying them away in the funfair of an award's ceremony. One really doesn't know whether the warlike spirit of Clausewitz had pushed forth Politics thereby, in Machiavelli's way, as the continuation of war by other means (at least he did it in Economics and Management). On the other hand, Sun Tzu has brought back Politics (at least the politics of War of his times) to the sheep-fold from which it had strayed out.

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36 See the ideal of a Taoist country: live a whole life in a country where one could hear the dogs barking and roosters singing in the villages abroad, and die without ever visiting one sole foreign neighbouring country. Vd. Lao-Tzu, Chap. 80.

These are two completely different approaches and with 2400 years between them, it doesn't seem that a Chinese general, who cherished victory without bloodshed, as the paramount skill in warfare wisdom, shares a common ground with Clausewitz. In fact, Sun Tzu and Von Clausewitz, are not, definitely, two of a kind...

### **Pre-emption - warlike Politics v. peace soldiering**

Then, what about pre-emption? For Clausewitz, it could be a stopover in a process that begins with human affairs ("menschlichen Verkehr"), an isolated fact never coming from a different Reality: Politics. Pre-emption is a mere interpretation of a detail within *a continuum* that could be debated in the hearts and minds or even in Courts but without breaking the fluency of the *continuum* itself. *In somma*, there are no categories of *pre-emption* in Clausewitz's thought.

For Sun Tzu, pre-emption is an aspect of an intemporal order that, notwithstanding perturbations, always returns to stability. Thus, the Time of his mindset remains circular and hence, one is not even able to *pre-empt*, but rather avoid or devoid, only. Be or not to be, that's Sun Tzu question, that's the *way* it is.

For Clausewitz this comes more paradoxical: not to be and be, at the same time. That's Politics.

So, now we are able to draw an easy conclusion: the Taoist discourses, most of them in short poems, sayings or *Koan*, may be as serious, humorous or crazy as Eva Wong describes them<sup>37</sup>, but they also address many more issues than the classical set of alternatives which move from a logical spirit to an emotive one. Taoists reserve a much humbler role for language. This is not the case in the western tradition, in which shadow Clausewitz sprouts.

According to Thomas Jefferson's saying, the tree of a new garden sometimes needs to be watered by the blood of the heroes and the crooked. In an Eden sowed by human hands, language is a second Nature. Therefore, the continuation of Politics by other means, may give a bad name to both the twin trees of War and Politics, just because, as Clausewitz would say, it is friction which makes the apparently Easy, become Difficult ("Die Friktion...ist es also, welche das scheinbar Leichte schwer macht."<sup>38</sup>) and now, in the

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37 In the "Pocket Tao reader", Pub. House Shambala, Boston, London, 1999.

38 Ibid. p.79.

political war of warlike ideas. His renamed formula, *war is the continuation of Politics by other means* is so vague and trivial that it often backfires in demagoguery.

Descartes, definitely was being wise when he had to admit that a small, resilient demon, could still be deceiving him at the point when he successfully landed on the hard ground of “I think, therefore I exist”, (thus founding the possibility of Knowledge). What the *cogito* means is that Truth should be simultaneous with revelation, therefore it could never be *pre-empted*. Otherwise pre-emption could, itself, be pre-empted and Time would move backwards, falling in a never-ending *vril*, a never-ending *deconstructivism* dear to no matter ideological path. Descartes’ rational effort presupposes that one cannot pre-empt truth. One can reach it and I don’t know for how long he can stay and hold to it. And if one cannot pre-empt Truth, one can definitely not prove (or assume he can) that he is entitled to pre-empt, no matter what, anywhere down the Complexity line.

This is the Twofold spiral: either a proliferation of pre-emptions or the pre-emption of a prolific thinking. In other words: something to be avoided.

The alternance of the two could mean a whirlpool, a downwards spiral of intellectual panic so deleterious as the Timothy Leary’s first hallucination, which he experienced prior to even thinking of doing drugs<sup>39</sup>.

### **The Right to Self-Defense in International Law. Between Pessimism and Optimism**

Self Defense is defined in the article 51<sup>st</sup> of the Charter of the United Nations as “the inherent right” (“*droit naturel*”, in the French text). Even according to the previously cited Briand-Kellogg’s Pact of 1928, that proscribed war within International Relations (Art. I), self-defense was a justification for waging war, this meaning that, in the language of the conventionalist wave spreading throughout modernity, self-Defense comes prior to war itself. It is something isomorphic to violence, as this latter is isomorphic to the human condition. Nevertheless, war is just another matter.

Since one can regulate war, both as an exceptional resort and as an ongoing practice, to an extent that it could be forbidden in principle, one cannot regulate self-defense but simply provide the tools to recognize a lawful one. War pertains to the level of organized communities, when the rational *judicator* can separate the layers of self-evident predicates

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39 Vd. Timothy Leary’s ‘High Priest’, The World Publishing Company, N.Y., 1968t,(First Chapter “Day 37”).

within human condition from those that are constructed or conceived (and, therefore, reversible).

This doesn't mean that there is no such thing as war among animals (something as contended as the question whether there is rationality or verbal language among animals<sup>40</sup>) or that there are not socio-biological premises for organized violence among our primitive ancestors. What this means is, that, all the interlocutors in a hypothetical trial would have hypothetically to agree at least in the following: that war is a different state of affairs than self-defense.

Self-defense is inherent to human life and occurs alongside life itself (even in pathological paths to suicide), while war requires more than a recognizable right. It needs ability, a rite and a convention that anthropologists tend to see in the foundation of trade and not the result of a failed or set of failed transactions, among primitive societies<sup>41</sup>.

The fiercest devotee of the pagan Mars would agree than not everyone is originally prepared to War. But in what concerns self-defense, that's another ball game we're speaking about...

So it seems, that, while war was initially taken as a fact of life and finally, so narrowed down that it has been ousted of the "facts of law", self-defense emerged as the exception to the rule. After years of regulating and submitting war to a discipline, a whole new era of regulating self-defense seems to lie ahead.

All things considered, self-defense remains an inherent right to the conditionality that is consecrated in Art. 2, that is: the equal sovereignty of each and every State. Here, as in Art. 51, the language of law deals with matters, which one assumes to have existed prior to the convention-spree in International Law.

The problem is that, whilst there is a long customary tradition of recognizing the signs of a state's existence refining the precedents which provide the topics for a widely acceptable and reciprocally opposite definer, with the same name (both Peace as an achieved state of affairs and Peace as an aim - the one established in the Art. 1 of UN. Charter), self-defense may carry a void in itself, or a non-statement at the end of a defining process. They are here to help marking its territory.

And I mean by "frame of symmetries", a sociological fact, while the "board of opposites" comes from logic. In symmetry, the opposition is an illusion - since everything,

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40 Vd. Inter alt. Iraeneus Eibl-Eibesfeldt in "War in Nature".

41 Vd. Pierre Clastres, Marcel Gauchet, Alfred Adler et Jacques Lizot in "Archéologie de la violence: La guerre dans les sociétés primitives, Livre 77-1, Payot, Paris, 1977.

in fact, is emanating from the same centre like the ink in Rorschach spots - whereas in opposition, the vanishing of something means the emergence of its contrary. Please note that these are only rhetorical mechanisms but the way they are used means precisely the opposite. Symmetry ends up inducing asymmetry while opposition opens the door to compromise.

This is why self-defense is logically perceived as previous to conventionalizing, a premise to the agreement on something still to be stated, articulated and enacted. Formerly, this was called natural law, the existence of which nobody believes in, any more, even if we replace Nature by rational pre-requisites. While war was not considered as inherent to the community addressed by U.N. declarations (and I include here the articles of the Charter), self-defense has been considered inherent to the Self of the state. There would be no recognizable state not wanting to be considered, even for a short while, as such.

An hypothetical pacifist state, Shangri-La, up on the Himalayas, ruled by Buddha himself, could abhor Defense but would have, automatically (inherently) self-defense, even in its awkward ways...

All things considered, the Right to self-defense, as it is consecrated in Art. 51, is not generally considered to encompass the Right to anticipatory self-defense<sup>42</sup> due to the expression "when an armed attack occurs". This ruling is not binding for the few non-members of United Nations, but its members have considered it as a derogation of the controversial customary law.

In this line of thought, we come back to the same old question: how can the positive and conventionalized "will" of law supersede such thing, bearing in mind that Custom founds its validity in a effective and respected ongoing practice? Isn't that a fact that the Convention spree, the articulated/aphoristic designing of Law comes after centuries of enduring legitimization processes, promulgation rites and enactment systems that are, themselves, customary?

Let's not enter into the debate that custom supersedes law, as a source of Legitimacy, because there is no custom whereby practice and norm could be separated before law's binding nature came into mind, while law and convention still needed to be put into practice in order to test its validity. This even leaves aside the fact that there are times when the customary norm's recognition doesn't require more than a single case to be taken as valid and obligatory.

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42 Vd. "The Charter of the United Nations - a commentary", edited by Bruno Simma, 2nd edition, Oxford University Press, 2002, V.I, p.803.

The heart of the question is that there is not such solemn declaration in the UN Charter (after all, the victor's statute after a worldly confrontation) similar to the one in the last Paragraph of the Preamble of the Vienna Convention on Diplomatic Relations, of 1961, which states that the previous customary law is the outer circle of the conventional articulate.

So what remains is a kind of Law, emanated from a Society of States, which logically pre-existed the United Nations. If that is the Law of Nature, many things could be argued about. But, if that is what pushed the legislator to use the *inherence* of the right of self-defense, one has to study what this latter stands for, and what connects the concept of self-defense to something inherent to the state. Or, since we are studying the fundamental link between two concepts, or cultural mind figurations (self-defense and state), let's focus on what is inherent to self-defense and inherent to any kind of rational conceptualization.

And since there is no concept in the mind, which wouldn't regard reality, let's study the defining reality of the concept, that is its actuality.

### **Master Condoleezza Rice. The momentum of Prophetism**

One of President's Bush NSA's favorites is the National Security Strategy. We don't know yet how it's going to grow up, which tendencies will show, whether nature or nurture will prevail, whether the "child" is going to look more like the father, the mother, or a distant ancestor. It's still being submitted to the first tests of time and, contrary to Master Sun, we don't care about the biographic details of his mother. They will be put to use, at the end, for the way a mother is, gives a clue as to how the child will be. The political agenda of some public actor may reveal a Destiny and his role may help trace back the entire script of an Ambition.

In a lawless international environment, a document like this can't be taken as the set of previsions or provisions on how the established power is going to behave. The document accepts that "for centuries, international law recognized that nations need not to suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. Legal scholars and international jurists often conditioned legitimacy of preemption on the existence of an imminent threat - most often a visible mobilization of armies, navies, and air forces preparing an attack" (Chap. V, Para 11<sup>th</sup>). The ruling has been very clear but one" must adapt the

concept...to the capabilities and objectives of today's adversaries" (Same Chap. Para 12<sup>th</sup>). Here, the line separating lawfulness from non-legality is clearly crossed.

Nevertheless, this above-mentioned adaptation of a concept, this new figuration is still carved on the same law's wood. The USA may be standing in the verge of a new law, due to regulate a lawless, or - to use a Ushrhetoric - a "failing" or "failed" international community but they are not out of law's reach. As staying beyond the law would certainly mean breaking it (I could not evoke, during the Dry Law period, in the thirties, that, "in the future, this business of distilling booze will be legal"), all the legitimacy of law's enactment (and, by that, the international community) must be reorganized. Hegemony it's not only the relief, up on a victor's path, but also a liability of every day's business.

If we sought a pledge, we should bear in mind that neither the detailed and cautiously worded Encyclicals issued by the Pope's chanceries can predict how the relevant catholic communities will behave, nor how the long, codified documents leaked from the communist party of China would help to predict how the largest political party in the world will evolve.

One of the several advantages of a codified set of norms is that, since the times of Draco or Solon, they serve not only to enable a ruler to trim society's tree, but also work as a mirror for self-esteem when Aesthetics compensates (and guarantees the improbably productive) setbacks in history.

The fact is that this document is neither a set of norms, nor one of guidelines, nor even one of pledges. It is "reason-in-the-making". It's the delineation of a style in the way of weaving the fabrics of discourses, expectations and significations in the international environment. That's what strategy is all about in a world in which the "ideological struggle" imposed by the emerging Marxism, has given place to a somewhat unfortunate expression "war of ideas" (Chapter III, bullet 3).

Later we'll see, how an intuitive grasp of a humanly ungraspable series of infinite moves, is important to reveal what's in a "woman's mind" even if it is not totally clear in her mind (forgive me the chauvinism).

This strategy, as all others, has ways and means. I don't mention the ends because they are outside the realm of strategy; they belong to politics. A text can be patterned to conduct the succession of ordinary laws but not the patterned text to conduct policies, the Constitution.

So, which *means* does the Document really provide?

First of all: principles. Without enumerating them, it is clear that they are formulated in a universalistic way (“these principles are right and true for all people everywhere... and no nation is exempted from them” - Chap. II, first paragraph). In the Declaration of Independence of the Confederates some similar principles are uttered as self-evident. One feels tempted to ask: and what if these voices were wrong? The only approach is a combination of rational agreement’s experimentation and thereafter the plausible answer: “No. They seemed to be less wrong than the rest”. Let’s use void, as the Taoists do, and say: these formulators are already on the field, they cannot communicate with the emperor, they’re holding together what remains of Right in a lawless international community”. That’s not blind reliance, that’s focus.

Second: ideals. Some of them, even in terms of Economics, could be taken as reciprocal eliminators (freedom and equality), without losing its virtue. Its conciliation and mutual accommodation comes with history as well-succeeded experimentation of an identity (“Our own history is a long struggle to live up to our ideals” - Chap. II, 4th paragraph).

Third: history - “As a result, America is not just a stronger, but is a freer and more just society”; “we can see examples of how authoritarian systems can evolve, marrying local history and traditions with the principles we all cherish” - Chap II, 5<sup>th</sup> paragraph).

Fourth: clear definition of an enemy % global terrorism (Chap. III, 3<sup>rd</sup> paragraph), “Thousands of trained terrorists remain at large with cells...); and ‘rogue states” (Chap. V) which, among other things:

- Are tyrants to their own people and squander unique resources
- Disregard and violate international law
- Are determined to acquire Weapons of Mass Destruction
- Sponsor terrorism around the globe
- Reject basic human values
- Hate USA and everything these latter stand for.

Fifth: long-standing institutions and long-standing alliances both internal (Chap. III, 9<sup>th</sup> Para and Chap. IX) and external (Chap. VIII, 3<sup>rd</sup> Para.).

Sixth: a strong economy and an integrated society (last paragraph of the quoted document), something always put to a test.

Bearing in mind that which has been said previously, we move now to the ways but not before restricting our enquiry to the only *way* we're focusing on. In order to display the characteristics of novelty and proclaimed generality and despite the casuistry within which it is associated, we only approach pre-emption.

Is it a right, a suspended right (a privilege)? Is it a duty inherent to the formulation of a strategy? Is it a political pledge? We'll see.

One is tasked "...defend the American People at home and abroad by identifying and destroying the threat before it reaches..." USA borders.

One has the faculty of "acting alone" (after "enlisting" more or less successfully the "international community") ...

One exercises the right of self-defense as far as the level of "acting preemptively" ...

One accomplishes effectiveness as inabilitating the enemy in striking first (Chap. V, Parag. 9).

One acknowledges that "rogue states" don't use conventional means, notably the observance of international law so one is entitled to exclude them from any law-abiding international community...

One reckons that there is no difference among civilian and military targets, there being precedents that, no matter whether they are small or large scaled, they don't abide to even the most rudimentary law of war.

One avails itself that there is an amplification of exponential danger coming from an inherently unpredictable "rogue state", by means of the inherently exponential consequences of an attack using Weapons of Mass Destruction, in the hands of the latter...

One assesses that the above mentioned exponent and the need to resort to cascade Intelligence equations (in order to find out the value of a variable in an equation, one has to solve other equations that are indispensable not only to clarify the terms of other levels of the cascade but even to settle or formulate them) makes the threat more threatening...

One calculates that the bigger the threat, the bigger the risk of inaction...

So, if all those ways are there, in terms of assessing the situation and scrutinizing the tools available, it is as the document says, a "more compelling (...) case for taking anticipatory action to defend ourselves" (Chap. V, Para. 13<sup>th</sup>).

One can see that pre-emption is included in anticipatory action, which is less than prevention.

Again: is it formulated here, a Right, a Privilege, a Power or a Duty?

So far, none of the enumerated juridical categories satisfy our quest. There is maybe an element of each and every category. As the document says, and history largely attests

“The United States has long maintained the option of preemptive actions to counter a sufficient threat to National Security”.

Juridically speaking, the National Security Strategy only opens a case and is evoking, as a plaintiff against a potential defendant in three accounts: a Rogue State pursuing Weapons of Mass Destruction or harboring global Terrorists or a Liberation Movement accused of networking with the global terrorism.

And, what it really resorts to, is:

- Common-sense,
- Long-standing practice within the limits of law,
- Inherence of a natural right of legitimate defense.

This document is not a pledge to break the law, which in many criminal legislations, when is taken as a public exhortation already amounts to be an offence (this is a matter unsatisfactorily curtailed by the text in Chap. V, Para. 14<sup>th</sup>, first sentence, due to Art. 2<sup>nd</sup> of the U.N. Charter). The document makes a case in terms of general prevention and the right of pre-emption stands for an inherent right assisting any state in a disorganized or failed International Community of nations set apart. It presupposes more means to a wider global governance.

### **Conclusions. The advantages of a mitigating pessimism and a non-prophetic optimism**

There are many strings to disentangle in all that has been said earlier. On one hand, there are juridical categories which have to be used to the extent they already have, others that have to be submitted to a more extensive interpretation and adapted, functions that have to be completely reshaped (Chap. IX, Para. 12<sup>th</sup> and 13<sup>th</sup>). On the other hand, there are aims that have to be pursued at all costs, because they are vital and sometimes even more vital than life itself (“we will never forget that we are ultimately fighting for our values and way of life”, Chap. III, last Parag.), as well as expressions that require an attentive and cautious filling of the content (“freedom and equality”, “war of ideas”, “principles right and true for all peoples everywhere”, “failing States”, “threat” of an armed attack).

It would be too ambitious for an occasional paper to try to fill the content of the many blanks that have been exposed. But it would be too irresponsible not to point out the

far-fetching nature of some formulations already exposed, either. It's surely rewarding to take the risk of stating that the document under scrutiny couldn't be considered as a complete set of ideas, with the mobilizing factor of a new political prophecy. After all, it is nothing more than a pragmatic document, which stands for "reason-in-the-making" and requires interaction from other rational actors.

Even if it should please some school of thought, such as that represented by Cornel West, from Princeton, not all American pragmatism means prophetic pragmatism, nor is all American thought that of a pragmatist. A prophetic enthusiasm doesn't grant the richness that a young powerful nation is looking for its thinking.

It has been argued that Condolezza Rice occupied the middle ground between the so called "hawks" (Secretary of Defense Donald Rumsfeld) and "doves" (Secretary of State Colin Powell)<sup>43</sup> and that should have granted her a privileged status with President Bush. It has been argued this also shaped the dimension of her own political agenda, as well.

One thing that cannot be forgotten is that this document is the product of several contributions.

Taking into account that there should be a mainly exploitable guideline within its complex of ideas, which mental sponsorship could one choose between Sun Tzu and Clausewitz, so as to position this Document in the history of strategic thought?

Certainly this is a question that deserves to be answered because, although certain matters can be considered new under the sun, the sunlight enlightens in the same way, fundamentally.

I tend to consider that this Document is mostly Clausewitzian and that comes as no surprise, taking into account all the influence that the neo-Hegelian Francis Fukuyama has had in shaping the conservative and neo-conservative thinking, in the context of President Bush's election, although other names as Leo Strauss, by means of the neo-con spree and Huntington, by means of the neo-realists seemed to have the upper hand. After all, the feeling of 'end of History' was not at all incompatible with the one of 'clash of civilizations'.

This document is the logical consequence of an evolution of ideas and the corollary of a certain way of considering and interpreting history that has come to an end. Neither Fukuyama proclaimed the end of History (only superficial readers would

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43 Moises Nain, Director of "Foreign Policy" in an interview granted to the anchor-man of 'American', in the Italian Channel "La Sete", on the 5th of November, 2003.

argue that) nor history in Hegel has a univocal meaning<sup>44</sup>. The only wish I formulate is that the bending of the Soviet Union upon itself doesn't turn out to be a kind of Kung-fu rolling down, capable of pulling the adversary (apparently frozen after decades of deterrence stalemate or eroding brinkmanship) to the lower level of coarseness. I hope that Lenin's saying about the differences between the primeval Soviet Union and America, that is, the power of the Soviets and electric light, doesn't work as a curse.

I don't really see it as a danger, due to essential plurality of American society. The danger resides much more in the throng of Allies, bursting into American-led alliances as well as the number of recycled former enemies. At the end of the day, the man with a gun is the one who decides the battle. And this danger tends to increase when the sudden reaction of a wounded giant, leads him to "do it alone", ignoring that there will come a time, sooner than expected, when the dry surrounding land will thirstily absorb any rain, be it of allies or of opportunists.

As secretary of Defense Donald Rumsfeld stated, "There are unknowns that we don't know"<sup>45</sup>. That may be a good point but one cannot avoid following some previous agreed or settled intellectual "rules of engagement" in a "War of ideas", before entering into total darkness. The totally unknown is surely already intuited previously. If not so, nobody would ever identify it. Besides, wherever one finds itself after darkness fades, if he wants to keep his own identity, the others should be around. They may be in different positions but there should be some room for non zero-sum games, and channels of information for some cooperative ones.

It is curious and comes perfectly *a propos* that the theory of games almost consistently contended for the resilience of some pre-chosen tactics in cooperative games.

Lately, both Prof. Zbigniew Brzezinski and former President Bill Clinton contended for the virtues of bipartisanship. The imperatives of the incoming American internal agenda may mobilize the virtues of internal dynamics, so dear to the heart of American Democracy. But bipartisanship may use the void at such a pace that many things that can't be reduced to this kind of polarization tend to be obscured by the perception strains and optical illusions emerging in the sudden shifts from one pattern to the other.

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44 Vd Jacques Derrida in "Donner le Temps, 1, La fausse monnaie", Galilée, Paris, 91.

45 Vd. [www.msnbc.msn.com](http://www.msnbc.msn.com).

There are things going on in the world that proceed independently of any American political agenda. One of those is the increasing gap between North and South. The other is the void which primitive fundamentalists are taking advantage of<sup>46</sup>.

Certainly, Dr. Rice's document is a Clausewitzian and tends to increase the third reciprocal interaction (*Wechselwirkung*) in the battle of ideas, to such an extent that, in terms of role allocation and the characterization of actors (States, international entities) these late are not even given time to place themselves around the game table. Time itself is thrown in a reversing whirlpool in which one doesn't know neither the beginning nor the end. Anticipation means anxiety as well, and that is not very healthy in any kind of policy. One shouldn't die with a heart attack neither for continuously not acting, nor for not quenching his fury against the unknown enemy.

Certainly we live in dangerous times. They are not the first and they won't be the last. Some confidence is required. The price of an extrapolating and exponential society is the one of increasing its fragilities. The necessity of developing new esthetical, ethical, and idealistic battles requires some self-control, some trust. Trust nurtures love. Love requires daring.

Only such a program will diminish the threat that unavoidable black holes, emerging from the expansion of our universe, increase their power attraction by means of an energy waste, curbing space and time in electric light speeding. The worst of the absurd is to stumble into the abyss because the fear of having fear just made us moon walking on earth.

There is something frivolous in exploiting victory as the neo-conservatives do. The celebration of hegemony tends to borrow some elegance from Mathematics, instead of a sound combination of calculation and experimentation. The old patterns don't fit any more when the globalization of light is accompanied by the globalization of darkness, superstition, fanaticism and misery, not purely economic misery, and resentment.

Like Sun Tzu, one should accept the void as a fact of life. If nature abhors the void, nature has her own ways of managing it. One should allow nature to operate especially when we take the human nature as a social one.

My preference is for the straightforwardness of a real conservative such as Donald Rumsfeld, because, concerning many questions about the future of Iraq, he recently stated: "We simply don't know"<sup>47</sup>. There is no doctrine, only experience and

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46 Vd. [www.ceip.org](http://www.ceip.org) a Z. Brzezinsky's conference on 28-29 October 2003 and his recently published "The Choice: the Global Domination or the Global Leadership", Basic Books, 2003 and for a good review by William Pfaff, [www.nybooks.com/articles/17013](http://www.nybooks.com/articles/17013).

47 Interview granted to CNBC on the 3rd of November, 2003.

engaged reasonableness. One thing cannot be avoided: that is to be there. There is no escape from the World.

May be there is a battle ahead among conservatives and neo-conservatives, within the most powerful state in the world, a battle that will rage in the darkness due to a gigantic bipartisanship. But I don't feel like one of those young generation Iranians who admire Secretary of State Rumsfeld by his resolve or clear-cut positions and simultaneously celebrate Teheran's nuclear ambitions and, nevertheless, dreaming of the end of the "*veleyathi fikh*".

In politics, not all is about power. Machiavelli had too much of a pessimist. I prefer Hugo Grotius, the founder of modern international law, who believed that, no matter in times of war or peace, reason and law would inevitably prevail. Wherever the thing lands it will stand there according with the laws of gravity, which are generous and precious.

If one has to learn to ride the dragon, that meaning the feathered snake of a centipede, centrifugal spiral of perceptions, one has to stick to its snakeskin:

**War cannot be avoided but void should be used to manage it.**

**War can be pre-empted but should not be emptied of its voids.**